



ANNOTATED (*AMENDED) AGENDA

Antioch City Council REGULAR MEETING

**Including the Antioch City Council acting as
Housing Successor to the Antioch Development Agency**

Date: Tuesday, March 14, 2023
Time: 6:30 P.M. – Closed Session
7:00 P.M. – Regular Meeting
Place: Council Chambers
200 'H' Street
Antioch, CA 94509

City Council meetings are televised live on Comcast channel 24, AT&T U-verse channel 99, or live stream (at www.antiochca.gov). Please see inside cover for detailed Speaker Rules.

PLEASE TURN OFF CELL PHONES BEFORE ENTERING COUNCIL CHAMBERS.

Lamar Thorpe, Mayor
Tamisha Torres-Walker, Mayor Pro Tem (District 1)
Michael Barbanica, Council Member District 2
Lori Ogorchock, Council Member District 3
Monica E. Wilson, Council Member District 4

Ellie Householder, City Clerk
Lauren Posada, City Treasurer
Cornelius Johnson, City Manager
Thomas Lloyd Smith, City Attorney

ACCESSIBILITY: In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@ci.antioch.ca.us.

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Unless otherwise noted, City Council actions include a determination that the California Environmental Quality Act (CEQA) does not apply. The Council meets regularly on the second and fourth Tuesdays of the month at 7:00 p.m., with Closed Sessions often occurring before or after the regular meeting. City Council Agendas, including Staff Reports are posted onto our City's Website 72 hours before each Council Meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: [Notifications – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/notifications) and enter your e-mail address to subscribe. To view the agenda information, click on the following link: [City Council – City of Antioch, California \(antiochca.gov\)](https://www.antiochca.gov/city-council). Questions may be directed to the staff member who prepared the staff report, or to the City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the City Council on each agenda item. To address the Council, fill out a Speaker Request form and place in the Speaker Card Tray near the City Clerk before the meeting begins. This will enable us to call upon you to speak. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section. No one may speak more than once on an agenda item or during "Public Comments". The Speaker Request forms are located at the entrance of the Council Chambers. Please see the Speaker Rules on the inside cover of this Agenda.

6:30 P.M. ROLL CALL – CLOSED SESSION – for Council Members – *Council Members District 2 Barbanica, District 3 Ogorchock, and District 4 Wilson [Mayor Pro Tem (District 1) Torres-Walker and Mayor Thorpe – Absent] Council Member Wilson opened and presided over the meeting.*

PUBLIC COMMENTS for Closed Session – *None*

CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION –** Significant exposure to litigation pursuant to California Government Code section 54956.9(b): One case.
Council voted to place City Manager Con Johnson on Administrative Leave effective immediately, Approved 3/0/2-(Torres-Walker and Thorpe-Absent)

6:31 P.M. ADJOURNED TO CLOSED SESSION

7:00 P.M. ROLL CALL – REGULAR MEETING – for City /City Council Members acting as Housing Successor to the Antioch Development Agency – *Council Members District 2 Barbanica, District 3 Ogorchock, District 4 Wilson, and Mayor Pro Tem (District 1) Torres-Walker (Mayor Thorpe – Absent] Council Member Wilson opened and presided over the meeting.*

ONCE QUORUM WAS ESTABLISHED, COUNCIL MEMBER BARBANICA EXCUSED HIMSELF AND LEFT THE MEETING FOR HEALTH REASONS

PLEDGE OF ALLEGIANCE

CITY ATTORNEY TO REPORT OUT ON CLOSED SESSION

1. INTRODUCTION OF NEW CITY EMPLOYEES

2. PROCLAMATION

- American Red Cross Month, March 2023

Approved, 3/0/2 (Barbanica and Thorpe-Absent)

Recommended Action: It is recommended that the City Council approve the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

PUBLIC COMMENTS – *Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.*

CITY COUNCIL COMMITTEE REPORTS/COMMUNICATIONS

MAYOR'S COMMENTS

3. PRESENTATIONS – *KOSMONT Presentation on Economic Development Public Financing Mechanisms, presented by Senior Vice President Joseph Dieguez, Kosmont Companies*

DUE TO TECHNICAL ISSUES, THE PRESENTATION ORDER WAS SWITCHED.

– Sales Tax Citizens' Oversight Committee Presentation - Measure W presented by Vice Chairperson Dr. Kate Mundhenk and Committee Member Susana Williams

7:46 P.M. MAYOR THORPE ARRIVED DURING THE SALES TAX CITIZENS' OVERSIGHT COMMITTEE PRESENTATION.

COUNCIL MEMBER WILSON REQUESTED A MOTION TO SUSPEND THE RULES TO PLACE MAYOR'S COMMENTS BACK ON THE AGENDA; APPROVED 4/0

4. CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency

A. APPROVAL OF COUNCIL MEETING MINUTES FOR JANUARY 24, 2023 **Approved, 4/0**

Recommended Action: It is recommended that the City Council approve the Meeting Minutes.

B. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 14, 2023 **Continued, 4/0**

Recommended Action: It is recommended that the City Council continue the Meeting Minutes.

C. APPROVAL OF COUNCIL SPECIAL MEETING MINUTES FOR FEBRUARY 23, 2023 **Continued, 4/0**

Recommended Action: It is recommended that the City Council continue the Special Meeting Minutes.

D. APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 28, 2023 **Continued, 4/0**

Recommended Action: It is recommended that the City Council continue the Meeting Minutes.

E. APPROVAL OF COUNCIL WARRANTS **Approved, 4/0**

Recommended Action: It is recommended that the City Council approve the warrants.

F. APPROVAL OF HOUSING SUCCESSOR WARRANTS **Approved, 4/0**

Recommended Action: It is recommended that the City Council approve the warrants.

G. REJECTION OF CLAIMS: SUBMITTED BY JARROD GARNER, REAGAN DEGUZMAN AND ERICA TIFFANY THOMAS ON BEHALF OF HONESTII LUMSEY **Rejected, 4/0**

Recommended Action: It is recommended that the City Council reject the claims submitted by Jarrod Garner, Reagan DeGuzman and Erica Tiffany Thomas on behalf of Honestii Lumsey.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

- H.** EIGHTH AMENDMENT TO THE DESIGN CONSULTANT SERVICES AGREEMENT WITH SWATT MIERS ARCHITECTS FOR IMPROVEMENTS TO CITY HALL COUNCIL CHAMBERS INTERIOR REMODEL/CITY HALL IMPROVEMENTS AND LEO FONTANA FOUNTAIN (P.W. 247-P, P.W. 247-S AND P.W. 247-R)

Reso No. 2023/35 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving the eighth amendment to the Design Consultant Services Agreement with Swatt Miers Architects for improvements to City Hall Council Chambers Interior Remodel/ City Hall Improvements and Leo Fontana Fountain, in the amount of \$16,610.63 for a total contract amount of \$387,193.13; and
- 2) Authorizing and directing the City Manager or designee to execute the eighth amendment to the Design Consultant Services Agreement in a form approved by the City Attorney.

- I.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR PARK RIDGE PHASE 2, TRACT NO. 9845 (P.W. 674-2)

Reso No. 2023/36 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting the completed improvements, authorizing the City Manager or designee to file a Notice of Completion for the Park Ridge Phase 2 Project, Tract No. 9845 (P.W. 674-2).

- J.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR PARK RIDGE PHASE 3, TRACT NO. 9517 (P.W. 674-3)

Reso No. 2023/37 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting the completed improvements, authorizing the City Manager or designee to file a Notice of Completion for the Park Ridge Phase 3 Project, Tract No. 9517 (P.W. 674-3).

- K.** RESOLUTION ACCEPTING COMPLETED IMPROVEMENTS FOR PARK RIDGE PHASE 4, TRACT NO. 9490 (P.W. 674-4)

Reso No. 2023/38 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution accepting the completed improvements, authorizing the City Manager or designee to file a Notice of Completion for the Park Ridge Phase 4 Project, Tract No. 9490 (P.W. 674-4).

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

L. CONSIDERATION OF BIDS FOR THE ANTIOCH CAPE SEAL 2023 PROJECT (P.W. 328-13)

Reso No. 2023/39 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving an amendment to the Fiscal Year 2022/23 Capital Improvement and Operating Budget to increase the funding from the Road Maintenance and Rehabilitation Account (RMRA) Fund for the Antioch Cape Seal 2023 Project by \$700,000;
- 2) Awarding the construction agreement to the lowest, responsive, and responsible bidder, American Pavement Systems, Inc.;
- 3) Approving the construction agreement with American Pavement Systems, Inc. in the amount of \$2,161,756.07; and
- 4) Authorizing the City Manager to execute the construction agreement with American Pavement Systems, Inc. for a total amount of \$2,161,756.07.

M. SECOND AMENDMENT TO THE AGREEMENT WITH TJKM TRANSPORTATION CONSULTANTS FOR DESIGN CONSULTING SERVICES (P.W. 282-20)

Reso No. 2023/40 adopted, 3/1 (Torres-Walker)

Recommended Action: It is recommended that the City Council adopt a resolution:

- 1) Approving an amendment to the Fiscal Year 2022/23 Operating Budget to increase the funding from Gas Tax Funds for the development of three Highway Safety Improvement Program grant applications in the amount of \$45,000;
- 2) Approving the second amendment with TJKM Transportation Consultants in the amount of \$45,000 for a total contract amount of \$116,989.22; and
- 3) Authorizing the City Manager to execute the second amendment to the Agreement with TJKM Transportation Consultants.

CONSENT CALENDAR for City /City Council Members acting as Housing Successor to the Antioch Development Agency – Continued

***N.** RESOLUTION DESIGNATING AUTHORIZED AGENTS OF THE CITY OF ANTIOCH FOR CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY SERVICES (CAL-OES) AND FEMA PUBLIC ASSISTANCE GRANTS AND APPROVING CAL OES FORM 130

Reso No. 2023/41 adopted, 4/0

Recommended Action: It is recommended that the City Council adopt a resolution designating the Public Works Director, Finance Director, and City Manager as authorized agents to execute documents and/or agreements on behalf of the City of Antioch for the purpose of obtaining disaster public assistance grants from Cal-OES and FEMA approving the corresponding Cal-OES Form 130.

PUBLIC HEARING

5. APPEAL OF THE PLANNING COMMISSION APPROVAL OF THE SOMERSVILLE LIQUOR STORE USE PERMIT

**Reso No. 2023/42 adopted
Granting the appeal and denying the use permit,
3/0/1 (Torres-Walker-Abstained)**

Recommended Action: It is recommended that the City Council adopt the resolution:

- Denying the appeal and **approving the use permit** with Conditions of Approval;

Or

- Granting the appeal and **denying the use permit.**

6. APPEAL OF PLANNING COMMISSION APPROVAL OF TREE REMOVAL PERMIT AT 411 WEST 5TH STREET

**Motion to deny the appeal failed, 2/2 (Wilson and Thorpe – NO)
Planning Commission’s decision approving the Tree Removal Permit stands**

Recommended Action: It is recommended that the City Council take the following action:

- Deny the appeal and **approve the Tree Removal Permit;**

Or

- Approve the appeal and **deny the Tree Removal Permit.**

PUBLIC HEARING – Continued

7. ORDINANCE FORMING A NEW ENGINEERING DEPARTMENT AND MODIFYING THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DEPARTMENTS

Postponed, 4/0

Recommended Action: It is recommended that the City Council introduce, read by title only, and waive further reading of the ordinance amending and restating Articles 1, 2, and 9 and adding Article 10 to Chapter 3 Title 2 of the Antioch Municipal Code reorganizing the Public Works and Community Development Departments and creating a new Engineering Department.

COUNCIL REGULAR AGENDA

COUNCIL MEMBER WILSON MADE A MOTION TO REMOVE THE NEXT ITEM FROM THE TABLE TO DISCUSS. THE MOTION WAS VOTED ON AND APPROVED BY A MAJORITY VOTE OF 3/1 (OGORCHOCK)

8. RESOLUTION APPROVING AN AMENDMENT TO THE 2022/23 FISCAL YEAR BUDGET TO INCLUDE EXPENDITURES FOR THE JULY 4, 2023, CELEBRATION IN THE AMOUNT OF \$110,000

Reso No. 2023/43 adopted, 3/1 (Ogorchock)

Recommended Action: It is recommended that the City Council adopt the resolution approving an amendment to the 2022/23 Fiscal Year budget to include expenditures for the July 4, 2023, Celebration in the amount of \$110,000.

9. FORMATION OF A HUMAN RIGHTS AND RACIAL EQUITY AD HOC COMMITTEE

Reso No. 2023/44 adopted appointing Mayor Pro Tem (District 1) Torres-Walker and Council Member Ogorchock for a duration of six months, 4/0

Recommended Action: It is recommended that the City Council take the following actions:

- 1) Determine if the City Council wishes to form a Human Rights and Racial Equity Ad Hoc Committee for the purposes described in the resolution;
- 2) Confirm the appointment of two (2) members for the Human Rights and Racial Equity Ad Hoc Committee;
- 3) Confirm the duration of the Human Rights and Racial Equity Ad Hoc Committee; and
- 4) Adopt the resolution forming the Human Rights and Racial Equity Ad Hoc Committee.

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – *Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and City Manager – no longer than 6 months.*

MOTION TO ADJOURN – *After Council Communications and Future Agenda Items, the Mayor will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*
Motioned to adjourn Regular Meeting at 11:34 p.m., 4/0